

JEFFREY ALLEN MYERS §  
v. § CIVIL ACTION NO. 9:09cv92  
DIRECTOR, TDCJ-CID §

The Petitioner Jeffrey Myers, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of errors in the state habeas corpus proceedings regarding his convictions. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge issued a Report on June 22, 2009, recommending that the petition be dismissed. The Magistrate Judge concluded that under Fifth Circuit precedent, infirmities in state habeas proceedings do not constitute grounds for federal habeas corpus relief. Trevino v. Johnson, 168 F.3d 173, 180 (5th Cir. 1999). The Magistrate Judge also recommended that a certificate of appealability be denied *sua sponte*.

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The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

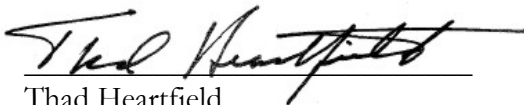
ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Jeffrey Myers is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**SIGNED** this the **19** day of **August, 2009**.

  
Thad Heartfield  
United States District Judge